

# Notice of Allowability

Applicati n N .

10/010,138

Examin r

Sandra M. Nolan

Applicant(s)

INGRAHAM, BRIAN

Art Unit

1772

-- The MAILING DATE of this communication appears n the c ver sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the submissions of 14 September 2004.
2. ☒ The allowed claim(s) is/are 44 and 45.
3. ☒ The drawings filed on 7/26/04 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachm nt(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 9-14-04
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date 20050110.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

*S. M. Nolan-Rayford*  
**SANDRA M. NOLAN -RAYFORD**  
**PRIMARY EXAMINER**

## **EXAMINER'S AMENDMENT AND REASONS FOR ALLOWANCE**

### ***Claims***

1. Prior to the Examiner's Amendment, claims 1-19 and 44-45 were pending; claims 1-19 were withdrawn; and claims 20-43 had been cancelled.

### ***Continued Examination Under 37 CFR 1.114***

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 14 September 2004 has been entered.

### ***Examiner's Amendment***

3. An examiner's amendment to the record appears below.
4. Should the changes be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.
5. The changes were authorized via phone calls involving Mr. Stephen Scherrer on 28 December 2004 and Ms. Joy Ann Serauskas on 07 January 2005.
6. The application has been amended as follows:

### **In the Specification**

Page 1, immediately after the title, the following has been entered:

Art Unit: 1772

**-- *Priority***

This application claims the benefit of provisional application SN. 60/318,211, filed 07 September 2001, now abandoned.--

**In the Claims**

Claims 1-19 have been cancelled.

Claim 44, line 17, "may be" has been deleted and replaced with -- is --.

**Remarks**

This amendment adds a priority claim, cancels non-elected claims and revises language in claim 44.

***Reasons for Allowance***

7. The following is a statement of reasons for allowing claims 44 and 45:
8. The sole base claim is claim 44. It can be summarized as follows:

Claim 44 covers a frozen food package comprising a first co-extruded multilayer film comprising:

- a first, polyamide-containing layer
- a second, adhesive-containing layer in contact with the first layer
- a third, polyamide-containing layer in contact with the second layer
- a fourth, adhesive-containing layer in contact with the third layer
- a fifth, polyamide-containing layer in contact with the fourth layer
- a sixth, adhesive-containing layer in contact with the fifth layer
- a seventh layer comprising a blend of ethylene/vinyl acetate polymer and polybutylene, the seventh layer in contact with the sixth layer

wherein the seventh layer is sealable to a second multilayer film and is easily peelable therefrom.

Art Unit: 1772

9. None of the prior art of record teaches frozen food packages having all of the features of claim 44.


10. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

**Conclusion**

Any inquiry concerning this communication should be addressed to Sandra M. Nolan-Rayford, at telephone number 571/272-1495. She can normally be reached Monday through Thursday, from 6:30 am to 4:00 pm, Eastern Time.

If attempts to reach the examiner are unsuccessful, her supervisor, Harold Pyon, can be reached at 571/272-1498.

The fax number for patent application documents is 703/872-9306.

  
S. M. Nolan-Rayford  
Primary Examiner  
Technology Center 1700

10010138(20050110)

**SANDRA M. NOLAN - RAYFORD**  
**PRIMARY EXAMINER**